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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA
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9 Maurice Washington,)

10 Petitioner,)

11 v.)

12 Dora B. Schriro, et al.,)

13 Respondents.)

CV 08-0806-PHX-PGR (MEA)

ORDER

14 Currently before the Court is the Report and Recommendation of Magistrate Judge
15 Aspey (Doc. 15) based on Petitioner's Petition for Writ of Habeas Corpus filed pursuant to
16 28 U.S.C. § 2254.¹ Having reviewed *de novo* the Petition, the Report and Recommendation²
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20 ¹ On October 29, 2001, a Maricopa County grand jury indictment charged Petitioner
21 with one count of first-degree murder. On April 30, 2002, a jury found Petitioner guilty of
22 the lesser-included offense of second-degree murder. On June 18, 2002, Petitioner was
23 sentenced to an aggravated term of twenty years imprisonment pursuant to his conviction.
24 The trial court imposed an aggravated sentence, *inter alia*, because Petitioner had committed
the offense for pecuniary gain, it also found that the victim's death occurred in a particularly
cruel and heinous manner.

25 ² The Court agrees with the Magistrate's finding that Petitioner's petition for a writ
26 of habeas corpus is barred by the statute of limitations applicable pursuant to the AEDPA.
27 Petitioner has failed to show that the circumstances in his particular case warrant the
28 application of equitable tolling. Consequently, because Petitioner's action for habeas relief
was not timely filed and Petitioner procedurally defaulted his claims in the state courts, the
petition must be denied and dismissed with prejudice.


1 of Magistrate Judge Aspey, and the Petitioner's objections³ to the Report and
2 Recommendation, and in light of the Court's finding that the Petitioner's objections lack
3 merit,

4 IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation
5 **(Doc. 15) is ACCEPTED and ADOPTED** by the Court.

6 IT IS FURTHER ORDERED that Petitioner's Petition for Writ of Habeas Corpus
7 **(Doc. 1) is DISMISSED and DENIED with prejudice.**

8 IT IS FURTHER ORDERED that the Clerk of the Court shall close this case.

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10 DATED this 6th day of January, 2009.

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13 Paul G. Rosenblatt
14 United States District Judge
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26 ³ In his Objections, Petitioner contends that the constitutional deprivations of his due
27 process rights include inadequate access to the courts amounting to a cumbersome obstacle
28 for pro se litigants, and ineffective assistance of counsel.